

Africa: Forced evictions reach crisis levels

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Research conducted by Amnesty International and the Geneva-based Centre on Housing Rights and Evictions (COHRE) reveals that the practice of forced evictions has reached epidemic proportions in Africa, with more than three million Africans forcibly evicted from their homes since 2000. The two organizations today called on African governments to halt forced evictions and abide by their international human rights obligations.

"The figures are truly staggering and clearly indicate that forced evictions are one of the most widespread and unrecognised human rights violations in Africa," said Kolawole Olaniyan, Director of Amnesty International's Africa Programme.

Although the practice of forced eviction has been recognised as a gross violation of human rights under international law and, in particular, by the African Commission, governments throughout Africa continue to forcibly evict hundreds of thousands of people from their homes each year. Many of these evictions are often accompanied by further rights violations, including the use of excessive force by those carrying out the evictions, such as arbitrary arrests, beatings, rape, torture and even killings.

Jean du Plessis, Executive Director (Acting Interim) of COHRE, said, "Many African governments justify forced evictions on the grounds that they are essential for 'development' and therefore, in the interests of the general public good. However, development that leads to forced evictions is fundamentally counterproductive because forced evictions create homelessness, destroy property and productive assets, and obstruct access to potable water, sanitation, healthcare, livelihood opportunities and education. By carrying out forced evictions, African governments are pushing people into poverty -- not pulling them out of it."

Kolawole Olaniyan of Amnesty International said, "By failing to bring an end to the practice of forced evictions, African leaders are violating their obligations to protect human rights and undermining their expressed commitments to development imperatives such as the Millennium Development Goals and NEPAD."

Examples of forced evictions from across the continent are as numerous as they are distressing. Some recent examples include:

- An estimated two million people have been forcibly evicted from their homes and many thousands have been made homeless since 2000 in **Nigeria**.
- More than 12,000 people were forcibly evicted from Dar Assalaam camp in **Sudan** in August 2006. The majority of the evictees had been previously displaced through conflict in Sudan and settled in camps in or around the capital Khartoum. Authorities have forcibly evicted thousands of people from these camps, resettling them in desert areas without access to clean water, food and other essentials. Currently, there are over four million internally displaced persons in Sudan.
- The government of **Zimbabwe** staggered the international community in 2005 when, in a military style operation, it forced an estimated 700,000 people from their homes, their businesses or both. To date, the government has not taken any effective action to address the plight of those displaced.
- In Luanda, the capital of **Angola**, at least 6,000 families have been forcibly evicted and had their homes demolished since 2001. Many of these families, who have received no compensation, had their property stolen by those carrying out the forced evictions and remain homeless.
- In **Kenya** approximately 70,000 people have been forcibly evicted from their homes in forest areas since 2005, while at least 20,000 people have been forcibly evicted from neighbourhoods in or around Nairobi since 2000.
- In **Ghana** over 7,000 people were made homeless when they were forcibly evicted by the Game and Wildlife Division from the Digya National Park in March and April 2006. The eviction was halted in April only after a boat carrying over 150 evictees capsized, causing the death of at least

10 people. Those remaining in the park still live under threat of forced eviction. Some 800 people also had their homes destroyed in Legion Village, Accra in May 2006, while approximately 30,000 people in the Agbogbloshie community of Accra have been threatened with forcible eviction since 2002.

- At least 300 families in **Equatorial Guinea** have been forcibly evicted from their homes since 2004, when the government embarked on a programme of urban regeneration in Malabo and Bata. These families had title to their property. Thousands more remain at risk.

Background

The African Commission on Human and Peoples' Rights (African Commission), in a landmark decision on forced evictions in Nigeria in October 2001, found that the African Charter on Human and Peoples' Rights guaranteed the right to adequate housing, including the prohibition on forced eviction (see SERAC and CESR v. Nigeria, ACHR 2002). In this case, the African Commission incorporated the substance and jurisprudence of international human rights law on the prohibition of forced eviction into the implied right to adequate housing in the African Charter. However, this important decision has not yet been reflected in the jurisprudence throughout the continent nor in governments' practices.

Under international human rights law, including the African Charter, which has been ratified by member states of the African Union, evictions can only be considered as lawful if they are deemed necessary in the most "exceptional circumstances". If such "exceptional circumstances" exist, then certain procedural protections and due process requirements have to be adhered to, including that States must ensure, prior to any planned evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with affected persons. Furthermore, and in any event, eviction shall not result in rendering individuals homeless or vulnerable to the violation of other human rights. Governments are legally obligated to ensure that adequate alternative housing and compensation for all losses is made available to affected persons.

The Millennium Development Goals, as set out in the United Nations Millennium Declaration, were adopted by the General Assembly of the United Nations on 18 September 2000. Goal 7, Target 11 calls for governments to "[h]ave achieved by 2020 a significant improvement in the lives of at least 100 million slum dwellers".

The New Partnership for Africa's Development (NEPAD) is a vision and strategic framework for Africa's development. Its stated primary objectives include, among others: "to eradicate poverty" and "to place African countries, both individually and collectively, on a path of sustainable growth and development". One of its stated principles is: "Ensuring that all Partnerships with NEPAD are linked to the Millennium Development Goals and other agreed development goals and targets".

For interviews or additional information please contact:

Deanna Fowler
COHRE
Tel: +41 22 734 1028
Email: deanna@cohre.org

Eliane Drakopoulos
Amnesty International
Tel: +44 20 7413 5564
Email: edrakopoulos@amnesty.org

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Info: www.habitants.org

Contact: info@habitants.org - Sidiki Daff [<sidiki.daff@sentoo.sn>](mailto:sidiki.daff@sentoo.sn)